

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43314 of 2015

Arising Out of PS.Case No. -386 Year- 2014 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Deepak Kumar, Son of Shri Chandra Prasad, Resident of Village-
Devpurparsa, P.S.- Kalyanpur, District- East Champaran. Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. A.L.Pandit(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

10 02-05-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Kalyanpur
P.S. Case No. 386 of 2014 registered for the offences punishable
under Sections 493, 376 of the Indian Penal Code.

Allegedly, the petitioner after alluring the informant
developed physical relationship with her and assured her to marry
with her and accordingly, the petitioner continued developing
sexual relationship with the informant, resulting, she became
pregnant but now the petitioner refused to marry with her.

Submission is of false implication and that the informant
has filed Misc. Case under Section 125 Cr.P.C. bearing No. 60 of
2015 in the court of Principal Judge, Family Court, East
Champaran, Motihari wherein she has given her age 18 years, the

petitioner denies all the allegation, the petitioner was and is always ready for DNA test, moreover as alleged no offence under Section 376 IPC is made out against the petitioner, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner is suffering in custody since 17.01.2015 and as such he deserves sympathetic consideration to which learned APP opposes by submitting that the petitioner is pressurizing the informant to withdraw the case which is evident from order sheet dated 02.03.2016 passed in Sessions Trial No. 51 of 2016 / 21 of 2015 and during investigation the witnesses have supported the allegation and accordingly, chargesheet has been submitted.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, the trial court is directed to take all positive steps for conducting DNA Test and the petitioner may renew his prayer for bail after report of DNA test.

(Jitendra Mohan Sharma, J)

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